

AMENDED IN ASSEMBLY SEPTEMBER 8, 2003

AMENDED IN ASSEMBLY AUGUST 18, 2003

AMENDED IN ASSEMBLY JULY 3, 2003

AMENDED IN SENATE JUNE 4, 2003

AMENDED IN SENATE MAY 14, 2003

AMENDED IN SENATE APRIL 21, 2003

AMENDED IN SENATE APRIL 7, 2003

**SENATE BILL**

**No. 892**

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**Introduced by Senator Murray**

**(Coauthors: Senators Kuehl, Romero, Soto, and Vincent)**

(Coauthors: Assembly Members Diaz, Koretz, Lieber, Longville,  
*Nunez*, and Yee)

February 21, 2003

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An act to add Section 35292.5 to the Education Code, relating to schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 892, as amended, Murray. School restrooms.

Existing law exempts public and private schools from provisions relating to the sufficiency of public facility restrooms, and provides for the maintenance and repair of public school facilities by school districts.

This bill would, with certain exceptions, require every public and private school to have restroom facilities that are open as prescribed during school hours, and at all times to keep every restroom maintained

and cleaned regularly, fully operational, and stocked with soap and paper supplies.

This bill would make a school district ineligible for prescribed state school facilities *deferred maintenance matching* funding if, *after a 30-day notice period and a reasonable opportunity to cure the violation*, a public school it operates ~~is~~ *remains* in violation of this bill.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 35292.5 is added to the Education Code,  
2 to read:

3 35292.5. (a) Every public and private school maintaining  
4 any combination of classes from kindergarten to grade 12,  
5 inclusive, shall comply with all of the following:

6 (1) Every restroom shall at all times be maintained and cleaned  
7 regularly, fully operational and stocked at all times with toilet  
8 paper, soap, and paper towels or functional hand dryers.

9 (2) The school shall keep all restrooms open during school  
10 hours when pupils are not in classes, and shall keep a sufficient  
11 number of restrooms open during school hours when pupils are in  
12 classes.

13 (b) Notwithstanding subdivision (a), a school may temporarily  
14 close any restroom as necessary for pupil safety or as necessary to  
15 repair the facility.

16 (c) Any school district that operates a public school that is in  
17 violation of this section as determined by the State Allocation  
18 ~~Board is ineligible for state school facilities funding under the~~  
19 ~~Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5~~  
20 ~~(commencing with Section 17070.10) of Part 10).~~ Board, is  
21 *ineligible for state deferred maintenance fund matching*  
22 *apportionments pursuant to Section 17584 if the school district*  
23 *has not corrected the violation within 30 days after receipt of a*  
24 *written notice of the violation from the board. Prior to determining*  
25 *that the school district is ineligible, the board shall provide the*  
26 *school district with a reasonable opportunity to cure the violation.*  
27 *The board shall notify the Superintendent of Public Instruction*  
28 *regarding a school district found to be in violation of this section.*  
29 *The Superintendent of Public Instruction shall notify the*

1 *Controller to withhold apportionments otherwise due the school*  
2 *district under Section 17584.*

3 SEC. 2. It is the intent of the Legislature that a school  
4 employee who performs maintenance or repair functions related  
5 to restroom facilities that are subject to Section 35292.5 of the  
6 Education Code not be subject to discipline if the employee  
7 performs his or her responsibilities as required by his or her  
8 employer.

9 SEC. 3. *The Legislature finds and declares that, as regards*  
10 *public schools, a principal purpose of this act is to clarify the*  
11 *preexisting requirements of Section 17576 of the Education Code*  
12 *by specifying the minimum requirements necessary to provide*  
13 *sufficient patent flush water closets for the use of pupils in a*  
14 *manner that is consistent with those requirements that apply to*  
15 *other public and private persons or agencies pursuant to Section*  
16 *118505 of the Health and Safety Code. Because the local mandate*  
17 *established pursuant to Section 17576, which was enacted on*  
18 *January 1, 1948, was enacted prior to January 1, 1975, no*  
19 *reimbursement is required under this act pursuant to Section 6 of*  
20 *Article XIII B of the California Constitution.*

